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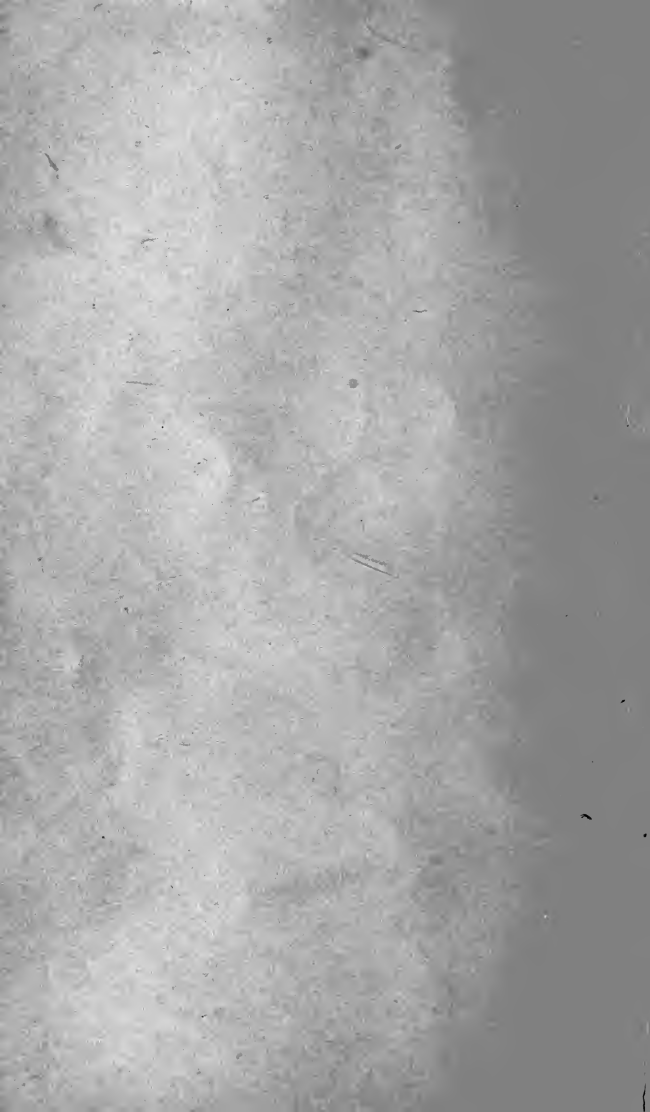
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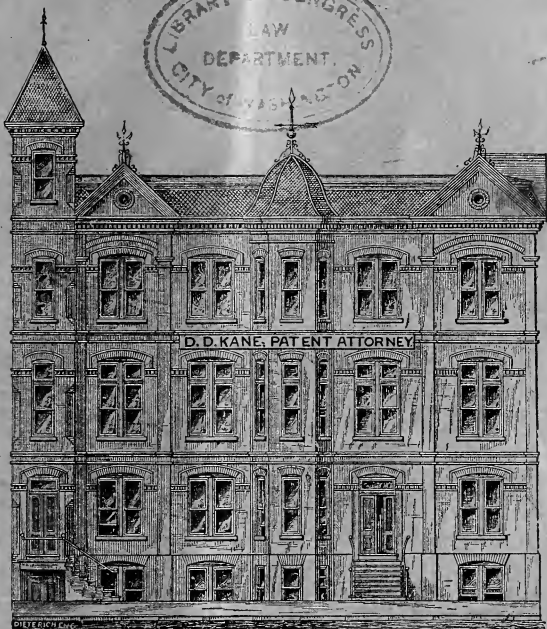
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UNITED STATES OF AMERICA.







OFFICES OF D. D. KANE,

Sixth and F Sts., N.W.

WASHINGTON, D. C.

Gray & Clarkson, Prs., 339 and 341 Penna. Avenue.

D. D. KANE,
Attorney at Patent-Law
AND
MECHANICAL EXPERT.



PRACTICE IN THE U. S. PATENT
OFFICE, U. S. SUPREME AND
CIRCUIT COURTS.



SPECIAL ATTENTION GIVEN TO
INTERFERENCE CONTESTS BEFORE
THE U. S. PATENT OFFICE,
*INFRINGEMENT SUITS IN THE
DIFFERENT STATES,*
AND
ALL LITIGATION PERTAINING TO INVENTIONS OR
PATENTS.

1 Kane, Dennis D.
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To Inventors, Manufacturers, and others Interested in Patents.

AFTER an experience of fourteen years as a Patent Attorney, and two years' practical experience in a Machine-Shop and Foundry—a rare qualification among Patent Attorneys—this pamphlet is submitted to Inventors and others interested in Patents, and business solicited from them for prosecution before the United States Patent Office and in the Courts. Careful and personal attention is given to all business committed to my charge.

The employment of honest and experienced counsel in cases before the Patent Office is of such importance as to meet with official sanction and encouragement. The "Rules of Practice" revised February 1, 1883, contain the following:

"As the value of patents depends largely upon the careful preparation of the specifications and claims, the assistance of competent counsel will, in most cases, be of advantage to the applicant; but the value of their services will be proportionate to their skill and honesty, and too much care cannot be exercised in their selection," &c.

TO WHOM PATENTS ARE GRANTED.

Under existing laws, a patent may be granted to "any person who has invented or discovered

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any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement thereof."

The patent is issued in the name of the person first discovering and perfecting the invention. In cases where an assignment has been made of a whole or a part interest, the grant will be according to the request of the assignor.

In case of the death of the inventor, the patent may be applied for by, and be issued to, the legal representative.

Joint inventors are entitled to a joint patent. Neither can claim the invention separately.

The fact that one man furnished the capital and another made the invention, does not entitle them to take out a patent as joint inventors. Great care should be exercised before signing a *joint* application, since, should the applicants have not made the invention jointly, the patent obtained will be invalid.

WHAT IS PATENTABLE.

A new combination of mechanical parts, whereby a new machine is produced, though each of the parts be separately old and well known.

An improvement on any known machine, whereby such machine is rendered capable of producing a new and useful result.

The manufacturer of a new vendible substance, whether produced by a chemical or mechanical process.

When an old manufacture is improved by new

method of working, the means of producing the improvement, whether chemical or mechanical, are, in most instances, patentable.

The application of a known substance or material to a new purpose, and also the application of old machines in manufactures to which they have not been before applied, when a beneficial result is obtained, is the subject of a patent.

WHAT IS NOT PATENTABLE.

A patent will not be granted for a principle or a result. The mere application of an old machine to a new purpose is not patentable. The substitution of one material for another, or mechanical equivalents, are not patentable, unless a better result is obtained.

Harmful and immoral inventions are not patentable.

HOW TO PROCEED TO OBTAIN A PATENT.

When any person claims to have invented or discovered any new and useful art, manufacture, machine, or composition of matter, or any new and useful improvement thereof, as stated under the head "what is patentable," the first question to be settled is: *Has it been patented?* The person desiring this information can send me a written description, accompanied by a sketch or model of the device, and a *preliminary examination* will be made at the Patent Office of the patents of the class which the invention relates, and in scientific works. If it is found on such examina-

tion that the device or invention has been patented, or that is not new, the party will be fully advised, according to the facts. FOR THIS EXAMINATION AND WRITTEN REPORT, with printed copies of the discovered conflicting patents, or a written extract of the conflicting matter found in the scientific work, my charge is \$5.

As a general rule, the preliminary examination enables me, with comparative certainty, to advise the inquirer whether or not the invention is patentable.

If the applicant is advised that the device or invention is patentable, the specification and drawings will be prepared on the receipt of \$20. The papers in the case, accompanied with a tracing or sun copy of the drawings, will be sent to the inventor for examination and execution. They should be promptly executed and returned, with suggestions, if any, to me with \$15 to pay the first Government fee. If the case is very complicated and demands extra labor, notice in advance will be given and the fee stated. When the application is allowed, the official letter of allowance will be sent the applicant, and the balance of Government fee (\$20) will be due.

It is recommended that the final Government fee of \$20, which the law requires to be paid within six months from the date of allowance, be paid promptly, because prompt payment often avoids a troublesome and expensive litigation known as an "INTERFERENCE."

The cost of obtaining a patent through my agency, in ordinary cases, is:

First Government fee.....	\$15 00
Attorney's fees, including cost of drawings and examination.	25 00
Second Government fee, to be paid within six months.....	20 00
	<hr/>
Total.....	\$60 00

BLANK APPLICATIONS.

A practice has sprung up, with some solicitors, of sending for execution BLANK applications, upon which specifications are afterward prepared and filed. This course should be condemned by applicants for patents. It has received official censure, in the Commissioner's decision in the case of *Reed v. Roberts*, as follows:

"There is reason to believe that the practice of forwarding to clients, to be signed and witnessed, blank sheets, upon which specifications are afterward to be written by the agent, and to which the previously-prepared petition and oath of the applicant are to be attached, is not yet abandoned by attorneys practicing before this office.

"It is scarcely necessary to say that the inventor or applicant who would sign and swear to a blank piece of paper, upon which some one else is, without his supervision, to write a description of an invention, is guilty of an act of moral perjury; and that the attorney or agent who knowingly presents papers so prepared to the Patent Office, is guilty of a fraud upon the office and the Government. I know of few offenses that may more properly be characterized as gross 'misconduct.' No power of attorney can justify any man in presenting to a public officer a paper purporting to be signed and sworn to by a man who never saw it, and who, at the moment that it is presented in his name, is absolutely ignorant of its contents."

On the same point, the "Rules of Practice" as revised February 1, 1883, declare :

"Every application signed or sworn to in blank, or without actual inspection of the petition and specification, or altered or partly filled up after being signed or sworn to, will, upon the discovery of such irregularity at any time before the delivery of the patent, be stricken from the files," &c.

MODELS, &c.

A model is not required as part of the application unless officially called for; but in order to have the case prepared and demonstrated fully, it is advisable to furnish one; it will prevent delay should the office call for a model, and also serve as evidence in subsequent tests of right in the courts. Specimens of composition of matter are required.

DRAWINGS.

Too much importance cannot be attached to drawings; since, under the present practice, models are not absolutely required, the value, and even the validity, of the patent may depend on the clearness and sufficiency of the drawings. It is well known that there are thousands of existing patents in which the improvements are but partially, or very poorly, illustrated, and when attempts have been made to dispose of such patents the vagueness and defects apparent in the drawings prejudice investors against the inventions, when, in reality, they may have been of great value. Again, when patents of this character are judicially tested, the uncertainty and ambiguity

of the illustrations are likely to mystify opposing experts and the courts as to what construction and combination of parts are to be covered.

In all cases prepared by me the drawings are made under my personal supervision by an experienced and skilled mechanical draughtsman, and every precaution is taken to have the invention fully and clearly shown in all its parts by different views, one or more being made in perspective, so that the invention may be easily and readily understood by the Examiners in the Patent Office, and by the public when the patent is issued.

SPECIFICATION.

Much knowledge and skill are required to properly and legally prepare this part of the application. Such persons only as have made the business a study and received special scientific and legal preparation are qualified to prepare a specification for a valid patent. The specification should give the *state of the art*; also state fully and clearly the *object* and *nature* of the *invention*, and such *advantages* as may exist, and, finally, contain a full, clear, and exact description of the improvements, so as to include all legitimate equivalents.

CLAIMS.

The scope and value of a patent depend on the character of its claims. They should not restrict the invention or improvements to any particular construction described in the specification and shown in the drawings; neither is it safe to rely

on a single broad claim, because such a claim might be adjudged invalid, and yet the defense fail as to other claims more restricted.

“REJECTIONS AND APPEALS.”

It often occurs that the Examiner in the Patent Office objects to the claims as originally presented. In such cases I am enabled to give proper explanation, and having access to the records in the Patent Office, examination of the references cited can be made, and the necessary amendments proposed, to secure the allowance of the patent without delay. In case the application is finally rejected by the Examiner, without good reasons, an appeal lies from his decision to the Examiners-in-chief. The Government fee, payable on taking this appeal, is \$10. From an adverse decision of the Examiners-in-chief, an appeal lies to the Commissioner of Patents. The Government fee for this appeal is \$20. From an unfavorable decision of the Commissioner of Patents, an appeal lies to the Supreme Court of the District of Columbia, sitting in banc. My fees in these appeals will be reasonable.

REISSUES.

Whenever a patent is found to be inoperative or invalid, by reason of a defective specification, or that it does not cover the whole invention, or that it embraces that which was not new, the errors may be corrected by a REISSUE. The reissued patent expires at the same time the original would have expired. No improvement or mechanical

changes in the original invention can be introduced in the reissue application. The Government fee in this class of cases is \$30, and cost of drawings and abstract of title in addition. My minimum fee in these cases is \$25. The "Rules of Practice" as revised February 1, 1883, effect important changes in the practice relative to reissue applications, in view of the recent decisions of the courts.

Correspondence is solicited from patentees and owners of weak or defective patents, and from those who are about to apply for a reissue.

CAVEATS.

A caveat is a confidential communication filed in the Patent Office, and it consists of a specification, drawings, oath, and petition. The specification must contain a clear description of the intended invention. It is of great importance that this specification shall be drawn with proper care. The inventor can send me a sketch or drawing, with a description of the invention, accompanied by the sum of \$25, and I can prepare the papers and send them on for execution. The Government fee is \$10, and mine, including drawings, is \$15.

DESIGNS.

A design patent can be obtained for novelties in the shape or configuration of articles, or impressions by any means whatever. These patents are of great value to the trade.

The Government fees for a design patent are :

On filing every application for a design patent.... \$10
On issuing a design patent for 3½ years, no
further charge.

On issuing a design patent for 7 years..... 5

On issuing a design patent for 14 years..... 20

My fee for obtaining a patent of this kind is \$15.

REJECTED CASES.

Inventors having "rejected" applications before the Patent Office, can send me a power of attorney with reasons for revocation; upon receipt of which an examination and report will be made as to the probability of obtaining a favorable issue. To this class of cases it is proposed to give special attention, as it is believed that many apparently "hopeless" cases can be carried to a successful issue. My fees are from \$25 upwards, according to the difficulty attending the case. No charge will be made unless successful in securing a patent.

TRADE-MARKS.

Trade-marks used in commerce with any foreign nation, or with Indian tribes, may be registered by their owners under the provisions of Act of Congress approved March 3, 1881. This law includes protection to owners of Trade-marks selling goods in either Canada, Mexico, Cuba, West India Islands, or any other American province or country, or any foreign country. Government fees, \$25. Counsel fees, \$15.

INTERFERENCES.

These are conflicts between two or more pending applications, or an application with a patent

for the same invention. The patent is awarded to the party proving priority of invention, and the proceedings involve affidavits of the parties, the taking of depositions in testimony, and the presentation of the case in argument before the Patent Office. Special attention will be given to these cases. My fees for conducting an interference will be reasonable.

FOREIGN PATENTS.

Patents in foreign countries, except Canada, should be applied for before a patent is allowed to issue in this country, because patents in the foreign countries are granted to the first introducer, whether or not he be the original inventor of the thing for which he seeks a patent. Foreign patents are obtained by me on the most reasonable terms. The cost in each case will be furnished on application.

As a general rule, the cost of taking out patents in the following countries, usually selected by Americans with valuable inventions, is :

Great Britain	\$200 00
German Empire	80 00
France	80 00
Belgium.....	75 00
Spain and Colonies.....	100 00
Italy.....	100 00
Austria and Hungary	100 00
Russia: 3 years.....	200 00
“ 5 years.....	300 00
“ 10 years.....	500 00
Canada: 5 years	40 00
“ 10 years	60 00
“ 15 years	80 00

These charges cover all expenses, except the small taxes levied at intervals during the life of the patent.

OPINIONS.

The rendition of opinions as to the validity of patents, and as to whether one patent is an infringement of another, is a very useful and important branch of the profession, since it tends to protect and assure investments of capital in working the invention. It is essential to every manufacturer and capitalist, before investing money in a patent, or proceeding to manufacture the improvements shown and described in the patent, that he should have a search made to disclose the state of the art, and have an opinion rendered by competent counsel upon the validity of the patent, and whether it infringes on any other patent. The reason of this precaution is apparent, since no one would buy real estate without examination of title first made, and the same rule holds good with the purchase of patents.

I make searches and abstracts of title, and render opinions on the subject of title and validity of patents, charging for my services according to the time and labor involved.

LABELS, PRINTS, &c.

Designed to be used upon articles of manufacture, are now registered in the Patent Office, under the provisions of the Act of Congress approved June 18, 1874.

By the word "label," is meant a slip of paper, or other material, to be attached to manufactured

articles, or to packages containing them, and bearing the name of the manufacturer, direction for use, &c.

By the word "print," is meant any device, word or figures (not a trade-mark) impressed directly upon the article, to denote the name of the manufacturer, &c. My fee, including the Government fee, is \$10.

COPYRIGHTS.

These are granted to citizens of the United States, or to a resident therein. The term of a copyright is twenty-eight years from the time of recording the same. My fee in these cases is \$5.

INFRINGEMENT.

I make it a part of my business to serve parties in this branch of the patent law. My charges will be regulated according to the amount of labor involved.

COPIES OF PATENTS.

PRINTED COPIES of the specification and drawings of patents issued since January 1, 1866, furnished at 25 cents each, or twenty copies for \$3.

CONTRACTS, assignments, licenses, and all papers relating to patents, prepared with the greatest care, at reasonable charges.

PATENTEES and manufacturers desiring RETAINED COUNSEL to watch their interests, can address me and secure favorable terms.

D. D. KANE,

WASHINGTON, D. C.

Recommendations.

I append the following copies of letters of commendation from persons for whom I have done business, and who understand the value and importance of properly-prepared papers:

SHIMER & Co.,
MANUFACTURERS OF LUMBER, SHINGLES, BOX, AND
CLOTH BOARDS,

MILTON, PA., *February 3, 1879.*

Messrs. HEYLMUN & KANE,
Washington, D. C.

GENTLEMEN: We are very well pleased with the patent on Reversible Shaper Head. We think it nicely gotten up. Thanks.

Yours, truly, S. J. & G. J. SHIMER.

SHIMER & Co.,
MANUFACTURERS OF LUMBER, SHINGLES, BOX, AND
CLOTH BOARDS.

A specialty made of the Shimer Circular Bit Matching Heads, for Flooring Planers, Sash, Door, Cope Heads, &c.

MILTON, PA., *March 24, 1881.*

Messrs. HEYLMUN & KANE.

GENTLEMEN: * * * Please accept our thanks. Having paid you, we yet feel under obligations, in that you have served us faithfully in quite a number of Patent Cases during the last three years, and we advise all our friends to entrust their work to your care. The specifications and claims of every Patent you obtained for us are marks of your ability and integrity, and show close application and earnest labor on your part.

Yours, truly,

G. J. & S. J. SHIMER.

MAYSVILLE, KY., *February 26, 1879.*

Messrs. HEYLMUN & KANE,
Washington, D. C.

GENTLEMEN: I thank you for the prompt and efficient manner in prosecuting my case and obtaining for me in so short a time a patent on "Improvement on Sewing Machine Needles." As expeditious patent solicitors, I would recommend you to the world.

Respectfully,

W. T. BERRY.

JAMES E. THOMAS & Co.,
FOUNDERS AND MACHINISTS,
NEWARK, O., *August 11, 1879.*

Messrs. HEYLMUN & KANE,
Washington, D. C.

GENTLEMEN: Yours of the 8th, inclosing official notice of the allowance of our patent, is received. We desire to thank you for the promptness with which you attended to this business.

Yours, &c.;

EDW'D THOMAS,
For Seymour & Thomas.

LAW OFFICE OF JOHN B. CORLISS,
MECHANICS' HALL,
DETROIT, MICH., *September 14, 1879.*

HEYLMUN & KANE,
Washington, D. C.

GENTLEMEN: I herewith return papers in Bullock's case, with assignment. * * * Bullock was very much delighted with your drawings and specification. They are well gotten up.

Very truly, yours,

JOHN B. CORLISS.

BRADFORD MILL COMPANY,
CINCINNATI, O., *November 29, 1879.*

Messrs. HEYLMUN & KANE.

GENTLEMEN: I shall be pleased to have your opinion of the length of time it will take to get the case through Canada. You can refer any of your customers to me, and I will give you a good send off. I am traveling most all the time, and always take occasion to say what I can to parties interested in your line of service.

Truly, yours,

J. W. PYNE.

OFFICE OF THE EAGLE MACHINE WORKS,
BUCYRUS, OHIO, *December 2, 1879.*

Messrs. HEYLMUN & KANE,
Washington, D. C.

GENTLEMEN: The letters-patent on Tile-Machine Attachment arrived. The device seems pretty well covered in the claims. Please procure us some extra copies of the same. * * *

Yours, truly,

FREY, SHECKLER & HOOVER.

OSBORN MANUFACTURING Co.,
Sole Manufacturers of the
OSBORN PATENT BIRD AND ANIMAL CAGES.

NEW YORK, *December 30, 1879.*

Messrs. HEYLMUN & KANE.

GENTLEMEN: Your favor of December 26 at hand, and, in replying, we take the opportunity to thank you for the prompt and courteous manner with which in the past you have transacted any business we have placed in your hands. We have been fully satisfied, and any future business we have in your line we will cheerfully place with you, knowing that it will be promptly and satisfactorily attended to.

Respectfully, yours,

OSBORN M'F'G Co.,
Alvan Drayton,
Treasurer.

PLATTEVILLE, WIS., *January 27, 1881.*

Messrs. HEYLMUN & KANE.

GENTLEMEN: The letters-patent on the Carpet Stretcher at hand. In reply, would take the opportunity to thank you for the prompt and courteous manner in which you have conducted the business. I am well satisfied, and in future business will remember you to others that may need your services; knowing that it will be carefully and satisfactorily attended to.

Respectfully, yours,

F. M. DRAPER.

OTWELL & WILSON,
DRUGGISTS AND WHOLESALE DEALERS IN PURE
BOURBON WHISKY.

Agents for Blue Lick Water.

PARIS, KY., *April 11, 1881.*

Messrs. HEYLMUN & KANE.

GENTLEMEN: Yours of the 6th inst, inclosing certificate of the registration of our two Wrappers and Labels, and the official notice of the allowance of Liniment Label and Wrapper, have been received. We desire to thank you for your promptness with which you attended to the business, and think your charges are very reasonable.

Respectfully, yours,

OTWELL & WILSON.

A. C. SOULE,
CARRIAGE MANUFACTORY,
77, 79, and 81 South Commercial Street,
CEDAR RAPIDS, IOWA, *September 28, 1882.*

Messrs. HEYLMUN & KANE.

GENTLEMEN: During the past year you have taken out three patents for me. I feel like expressing my thanks to you for the careful manner with which the specification and claims were prepared. I am fully satisfied that you thoroughly understood everything connected with the carriage trade. All the expressions of carriage terms you are familiar with. I can recommend you to the carriage trade as a firm who will protect their interest in every sense of the word.

Truly, yours, BUREN M. SOULE.

JOHN B. BLATT,
MANUFACTURER OF CARRIAGE WHEELS
Of the Norway Iron Banded, Ford's Wire Banded,
"Old Style" and "Common Sense" Hubs,
Corner Court and Poplar Streets, Reading, Pa.

READING, PA., *August 25, 1882.*

Messrs. HEYLMUN & KANE.

GENTLEMEN: I herewith tender you my thanks for the prompt and satisfactory manner with which you prosecuted my claims, for Carriage Hubs, and Felly Plates, and will cheerfully recommend you to any persons having business in that line.

Yours, very truly, JOHN B. BLATT.

CADDO CARRIAGE WORKS,
Texas Street, between Edwards and McNeil,
JOHN CALDWELL, Proprietor.

SHREVEPORT, LA., *August 26, 1882.*

Messrs. HEYLMUN & KANE,

Washington, D. C.

GENTLEMEN: Accept my thanks for the zeal in the prosecution of the four patent cases, as well as for the legal services in connection with them, to wit: Cotton Seed Planter; Hooks, Blocks, and Snow Shoe; in which I am interested as inventor and assignee.

On some of these you also procured foreign patents.

The services were entirely satisfactory, and prove your professional ability and earnest labor.

I feel safe in advising my friends to entrust their patent business to you, and am sure that their interests will receive proper attention and study, and that your charges will be reasonable.

Very truly, JOHN CALDWELL.

G. W. RUDE, Pres.

S. B. RUDE, Vice-Pres.

B. F. CLARK, Sec'y and Treas.

OFFICE OF

RUDE BROTHERS MANUFACTURING CO.,

LIBERTY, IND., *September 11, 1882.*

Messrs. HEYLMUN & KANE:

* * * GENTLEMEN: We can cheerfully say our opinion is, there are no better attorneys in this country to take out patents, and proof of that is, we have turned all of our business over to you. You have got one case through for us that other attorneys would not attack, and who told us it was no use of trying to get it through, but you succeeded in getting just what we asked for. In all our other cases you have given us the very best of satisfaction, and we know you do all in your power for your clients; and being personally acquainted with you, and your ways of doing business, we can most cheerfully recommend you to any wanting business transacted in your line, as being honorable gentlemen and first-class attorneys.

Respectfully,

GEO. W. RUDE, President.

BROWNSVILLE, IND., *September 28, 1880.*

Messrs. HEYLMUN & KANE:

DEAR SIRs: I thank you kindly for the zeal and ability you have exhibited in the prosecution of these cases. (Grain Drills.) * * *

Yours, truly,

JOHN L. RITER.



I refer to the following manufacturers and well-known inventors, for whom I have acted as attorney, as to my ability and mode of transacting business:

OSBORN MANUFACTURING CO., (Bird Cages,) No. 79 Blecker street, New York City.

Colonel E. MILLER, (Miller Car Coupler and Platform,) No. 6 Park Place, New York City.

L. H. SANDERSON, (Watchmakers and Jeweler's Supplies,) No. 63 Nassau street, New York City.

SATTERLEE ARNOLD, (Knit Goods,) No. 36 Columbia Heights, Brooklyn, N. Y.

GOODNOUGH HAMMOCK Co., Newark, N. J.

E. V. WINGARD, (Wingard Brick Kilns,) Philadelphia.

GEO. F. BAUGHER, (Machine Works,) York, Pa.

SHIMER & Co., (Wood Working Machinery,) Milton, Pa.

J. W. PYNE, (With Bradford Mill Co.,) Cincinnati, O.

P. J. HOGAN, (Saw Works,) Cincinnati, O.

EDWARD THOMAS, (Machine Works,) Newark, O.

EAGLE MACHINE WORKS, Bucyrus, O.

JNO. L. GILCHRIST & Co., (Grain Drills,) Connersville, Ind.

WM. N. GARTSIDE, Richmond, Ind.

RUDE BROS., (Grain Drills,) Liberty, Ind.

B. M. SOULE, (Carriage Works,) Cedar Rapids, Iowa.

Dr. N. C. COOLEY, Corning, Iowa.

Gen. N. P. CHIPMAN, Red Bluff, Cal.

BROWN BROS. & Co., (Manufacturers of Confectionery,) Quincy, Illinois.

WINGARD CALORIFIC BRICK KILN CO., Nashville, Tennessee.

EDW'D THOMPSON, 112 Poydras street, New Orleans, La.

FRANCIS O. MINOR, New Orleans, La.

JOHN CALDWELL, (Carriages,) Shreveport, La.

JOSEPH MENGE, (Dredge Builder,) New Orleans, La.

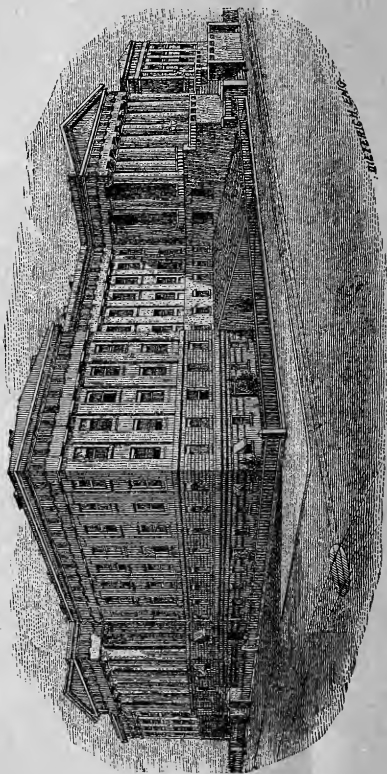
Dr. C. H. LAND, Detroit, Mich.

JOHN O. COLE, (U. S. Pension Agent's Office,) Washington, D. C.

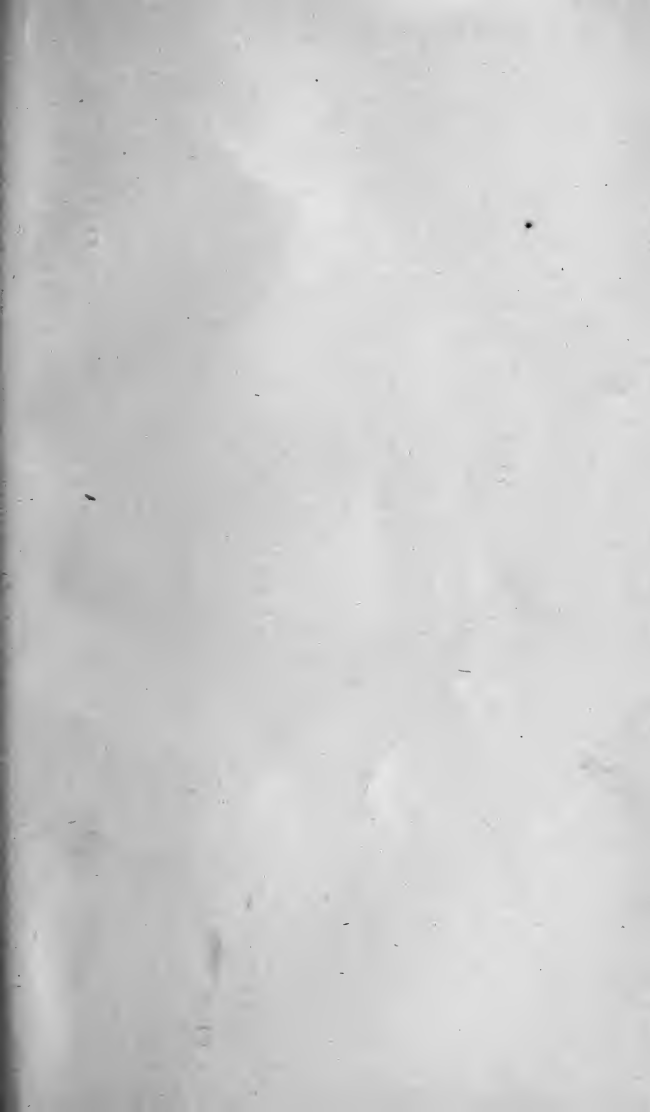
JOHN CLARK, (U. S. Coast Survey,) Washington, D. C.

GEO. E. NOYES, (Machine and Iron Works,) Georgetown, D. C.

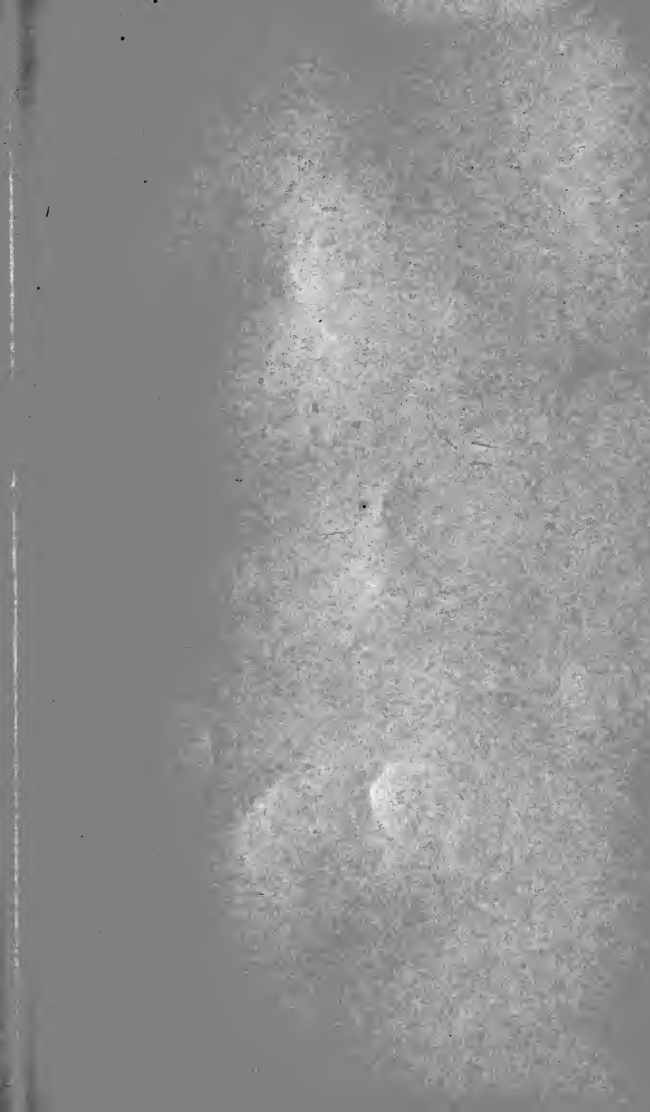
THE FLEXIBLE WOOD PACKAGE CO., Baltimore, Md.

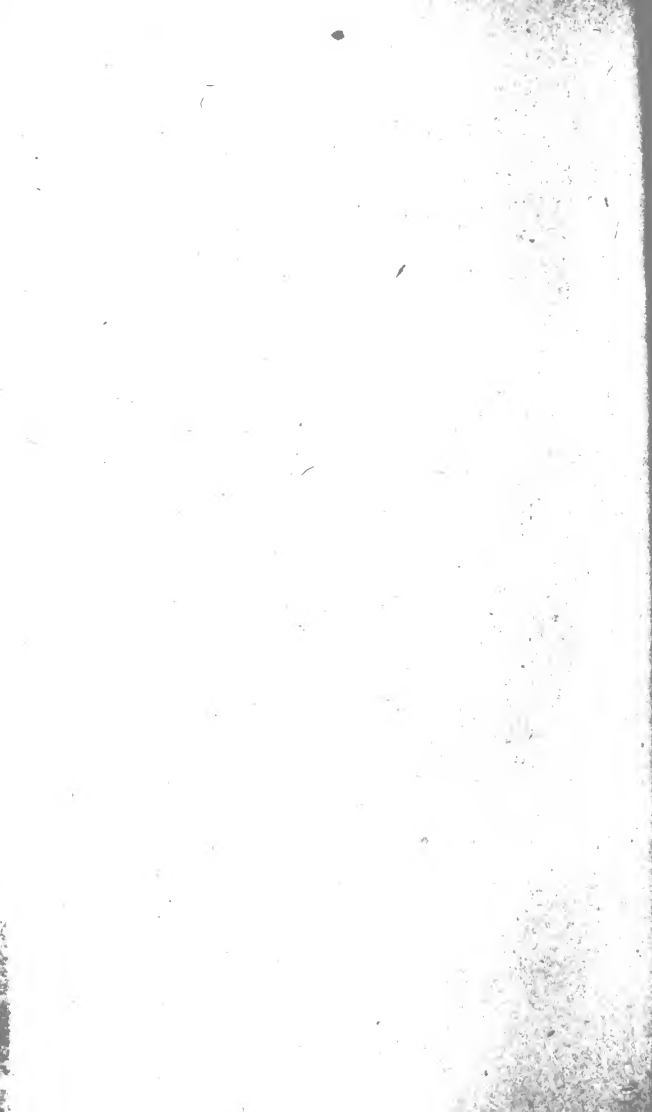


U.S. PATENT OFFICE.















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